



STATE OF UTAH

GARY R. HERBERT
GOVERNOR

OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

SPENCER J. COX
LIEUTENANT GOVERNOR

June 17, 2019

Francine Giani
Department of Commerce
Heber M. Wells Building
160 East 300 South
Salt Lake City, Utah 84111

Dear Francine,

I am directing you today, in your capacity as overseeing the Division of Occupational and Professional Licensing, to have the Psychologist Licensing Board provide additional guidance for the development of rules on the ethical and professional practice of psychology in Utah. This needs to be done in an area that should be governed by the best available science rather than left unregulated or regulated in a manner that is colored by politics. Specifically, I want the state to ethically regulate psychological interventions for minor children regarding their sexual orientation and gender identity. I would like those proposed rules to be available for public comment no later than September 16, 2019.

You are undoubtedly aware that legislation about these concerns, sometimes referred to as "conversion therapy," was considered during the 2019 legislative session. This year's legislative process did not yield a viable outcome. Through this administrative process that I am proposing, I would like the issues to be clarified by using the best contemporary peer-reviewed science.

I know that there are three other boards that advise the licensing of the mental health professions in Utah. They are the Marriage and Family Therapist Licensing Board, the Clinical Mental Health Licensing Board, and the Social Worker Licensing Board. With all due respect to these other boards, I want the Psychologist Licensing Board to take the lead on this, with notice given to the three other boards. This is a prudential decision to avoid duplication of effort and confusion. The other boards should take up this issue after the Psychologist Licensing Board rules have been promulgated. I think this will provide an orderly process for our mental health professionals and avoid unnecessary confusion.

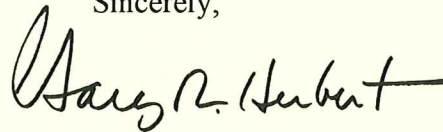
Since I am not a psychologist, I do not presume to understand precisely what inferences to draw from the psychological literature on this subject. Nonetheless, I am particularly troubled by what I have learned about interventions using physical distress. In my understanding, such techniques would seem to be unethical, and, therefore, I do not understand why they would be a part of professional practice. I am also very concerned about what I have learned regarding the lack of understanding many parents have concerning so-called "conversion therapy." I would like you to carefully consider how psychologists can guide and tutor family dynamics in situations where intervention is sought.

I believe the Psychologist Licensing Board – aided by requisite public input – is the right venue for the issue of professional conduct to be examined and regulated. I also appreciate that this is action that our administration can take immediately to make a positive difference prior to the next legislative session.

We have discussed this idea with legislative leadership, and they agree that this process can generate insight that can feed into possible future needed legislation. They also recognize that this effort to regulate does not preclude subsequent legislation.

Thank you for helping to initiate this process. Please let me know of questions or concerns so that we can move forward as quickly as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary R. Herbert". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gary R. Herbert
Governor